

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

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DAWN AND JOHNNY SAUDICA,  
et al.,

2006 FEB 27 P 4: 11

2006 FEB 23 P 12: 57

Plaintiffs,

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
\*

v.

Case No. 05-669

SWAFFORD & HAYS SETTLEMENT  
SERVICES, INC.,

Defendant.

\*  
\*  
\*  
\*  
\*

1:06mc 3284 - WKW

**MOTION TO QUASH SUBPOENA AND OBJECTION**  
**TO PLAINTIFF'S SUBPOENA**

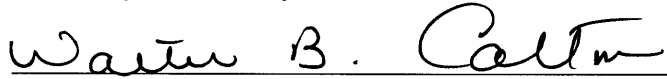
Comes now, A & B Abstracts, Inc., and files this Motion to Quash Subpoena and files its Objection to the Plaintiff's Subpoena in the above styled case and sets forth grounds as follows:

1. The subpoena requires a representative of A & B Abstracts, Inc., to appear in Mobile, Alabama, on February 24, 2006 at 9:00 a.m.
2. The volume of documents requested by the Plaintiff is so great that additional time would be necessary for A & B Abstracts, Inc., to comply.
3. The documents in question are housed in Abbeville, Henry County, Alabama, and the volume is so great that transporting these documents to Mobile, Alabama, would be overly burdensome and unreasonable. In addition, there are no other employees or staff available to accomplish this act. The owner would have to shut her business down to accumulate this information and then transport it to Mobile.
4. A & B Abstracts, Inc., has been given insufficient time to comply with this Court's subpoena.
5. A & B Abstracts, Inc., objects to the subpoenas as being overly broad and unduly burdensome. Many of the requests are without time limitations and seek documents as old as five years. A & B Abstracts, Inc., objects to the first three categories of documents listed on the Plaintiff's subpoena as being overly broad and burdensome with no time frame constraints.
6. Request number 8 of the Plaintiff's subpoena seeks information relating to "all loans for which you provided services at the request of Swafford & Hays Settlement Services" without any limitation and, therefore, it is overly broad and burdensome.

SCANNED

WHEREFORE, A & B Abstracts, Inc., hereby objects to this third party subpoena and moves this Court to Quash this Subpoena.

Respectfully submitted this the 22<sup>nd</sup> day of February, 2006.



Walter B. Calton (CAL 036)  
Attorney at Law  
Post Office Box 696  
Eufaula, Alabama 36072-0696  
(334) 687-2407

**CERTIFICATE OF SERVICE**

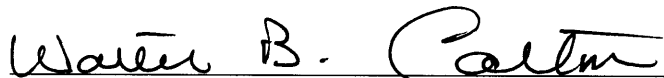
I hereby certify that I have served a copy of the foregoing upon counsel listed below by placing a copy of same in the United States Mail, postage prepaid and properly addressed on this the 22<sup>nd</sup> day of February, 2006.

Ellen H. Dover  
Patricia Clotfelter  
Baker, Donelson, Bearman,  
Cladwell & Berkowitz, P.C.  
420 20<sup>th</sup> Street North  
Wachovia Tower, Suite 1600  
Birmingham, Alabama 35203

Mr. George R. Irvine, III  
Stone, Granade & Crosby, P.C.  
7133 Stone Drive  
Daphne, Alabama 36526

Mr. Kenneth J. Riemer  
Post Office Box 1206  
Mobile, Alabama 36633

Mr. Earl P. Underwood, Jr.,  
Post Office Box 969  
Fairhope, Alabama 36533

  
Of Counsel

AOB (Rev. 1/94) Subpoena in a Civil Case

Issued by the  
**UNITED STATES DISTRICT COURT**  
 Middle District of Alabama

Dawn and Johnny Saucida

V.

**SUBPOENA IN A CIVIL CASE**Swafford & Hays Settlement Services,  
Inc.Case Number:<sup>1</sup> 05-669TO: A & B Abstracts, Inc.  
2725 Calhoun Drive  
Abbeville, AL 36310Pending in the United States  
District Court for the  
Southern District of Alabama  
Southern Division

- ☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below  
 testify in the above case.

## PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition  
 in the above case.

## PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the  
 place, date, and time specified below (list documents or objects):  
 See Exhibit A attached.

## PLACE

Ofc of Ken Riemer, 166 Government St., Suite 100, Mobile, AL

DATE AND TIME

- ☒ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

## PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers,  
 directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the  
 matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

TESTING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

TESTING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Kenneth J. Riemer

166 Government Street, Suite 100

251-432-9212

Mobile, AL 36602

(See Rule 45, Federal Rules of Civil Procedure, Part C &amp; D on final page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

**WALTER B. CALTON**  
ATTORNEY AT LAW

312 East Broad Street  
P. O. Box 696 (zip: 36072)  
Eufaula, Alabama 36027

Telephone: 334-687-2407  
Facsimile: 334-687-2466  
Email: wcalton@bellsouth.net

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DATE: 3/23/06  
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TO: Anthony Green  
FROM: Walter Calton  
LOCATION:             
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RE:           

**MEMO**

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